

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

TRAVIS TYRONE HARRIS,
Petitioner,

vs.

DOUG DRETKE,
Director of the Texas Department of
Criminal Justice - Correctional Institutions
Division,
Respondent.

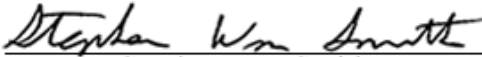
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CIVIL ACTION H-04-4833

MEMORANDUM AND RECOMMENDATION

Travis Tyrone Harris, a state prisoner, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254, challenging the fact that the more than four years he spent on parole was not credited toward the service of his sentence when his parole was later revoked. *See* Dkt. 1. The respondent denies Harris has a right to have this “street time” credited, and also asserts that Harris has failed, as required under 28 U.S.C. § 2254(b), to exhaust his available state remedies before applying for a writ of habeas corpus in federal court. *See* Dkt. 9, Resp’t Mot. to Dismiss. Harris now acknowledges that he has not exhausted his state remedies, and requests the court dismiss his petition without prejudice. *See* Dkt. 11. Accordingly, the court recommends that Harris’s petition be dismissed without prejudice.

Signed on May 5, 2005, at Houston, Texas.


Stephen Wm Smith
United States Magistrate Judge